

combine reference teachings. Third, there must be a reasonable expectation that once combined the elements will work as expected. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. In Re Vaeck, 947 F.2d 488, 20 USPQ 2d 1438 (Fed. Cir. 1991).

As will become apparent herein, it respectfully submitted that all of the elements recited in Applicant's claims are not taught or even suggested in Scagnelli, et al. or Wicks. Specifically, Scagnelli and Wicks do not disclose systems and methods that forward a verification number to a user where the user only receives the verification number if located within a predetermined or predefined area, and then the verification number is received from the user, thereby indicating the user's location within the predetermined or predefined area.

Claim 1 is directed to a method employing a location verifier system for verifying that a user is located in a predefined geographical area, wherein the method includes, among other steps, forwarding a verification number to the user. The verification number is received by the user only if the user is located within the predefined geographical area, the verification number is then received from the user. The verification number forwarded is verified as being the same verification number received.

In contrast thereto, Scagnelli discloses using automatic number identification (ANI), i.e., "Caller I.D." Nowhere does Scagnelli disclose forwarding a verification number to a user, then receiving the verification number back from the user and verifying that the verification number received is the same verification number that was forwarded. Indeed, this is not necessary since Scagnelli simply uses ANI with the initial telephone call from the user.

The Examiner refers to column 7, lines 7-36. However, this section of Scagnelli merely indicates that a person subscribes to the system and receives a subscription number and a PIN for allowable interstate wagering. The person enters the subscription number and PIN in order to play. This lets the system know that the person

is registered to play or wager. Nothing is done with the subscription number or PIN to verify the person's location. A person in New Jersey may be wishing to wager on a New York event or lottery and thus, calls to make the wager. Thus, Scagnelli merely is describing a system where a New Jersey resident is registered to wager on a New York event or lottery--however, the person may be located in Massachusetts. Nothing is mentioned about verifying that a user is within a predefined geographical area by forwarding a verification number to the user where the user only receives the verification number if he is located within the predefined geographical area, with the verification number being received from the user and then verifying that the number forwarded is the same number received.

Finally, it is respectfully submitted that Wicks does not make up for the lack of teaching in Scagnelli and that Wicks merely mentions possibly using a pager at a sporting event site merely for providing information and, thus, may be used for "on-site" or "off-track" betting (see top of column 5). No location verification is ever mentioned in Wicks.

Accordingly, it is respectfully submitted that claims 1 and 2 are allowable for at least the above-discussed reasons.

Claim 3 is directed to a verification system that comprises, among other things, one or more pagers for communicating with a transmitting system and a control system for receiving a signal requesting remote access to a betting system. Upon receipt of the signal, the control signal forwards an authorization number to the transmitting system and the transmitting system forwards the authorization number to the user pager. The user pager is capable of receiving the authorization number only when within a predefined geographical area. It is respectfully submitted that, for at least the above-discussed reasons, neither Scagnelli nor Wicks discloses such a system. Accordingly, it is respectfully submitted that claim 3 is allowable.

Claims 4-9 depend on claim 3 and, therefore, they are allowable for at least the reasons claim 3 is allowable.

Claim 10 is directed to a method used by a location verifier system for verifying a user's location within an area, wherein the method comprises, among other things, randomly generating a verification number responsive to a signal for requesting access to a betting system, forwarding the verification number such that the verification number travels no further than a predefined geographic location, receiving the verification number and, if the verification number forwarded is the same as the verification number received, allowing remote access to the betting system. It is respectfully submitted that, for at least the above-discussed reasons, neither Scagnelli nor Wicks, either alone or in combination, teach, disclose, or even suggest such a method. Accordingly, it is respectfully submitted that claim 10 is allowable.

Claims 11-14 depend on claim 10 and, therefore, they are allowable for at least the reasons claim 10 is allowable.

Claim 15 is directed to a method of verifying a user's location within an area and includes, among other things, generating by a control center a number for verifying that the user is within a predefined geographical area; forwarding by the control center, the number to a pager, wherein the pager receives the number only when within the predefined geographical area; and forwarding by the user, the verification number to the control center. It is respectfully submitted that, for at least the above-discussed reason, neither Scagnelli nor Wicks, either alone or in combination, teach, disclose, or even suggest such a method. Accordingly, it is respectfully submitted that claim 15 is allowable.

Claims 16 and 17 depend on claim 15 and, therefore, they are allowable for at least the reasons claim 15 is allowable.

Finally, while the Examiner indicates that he takes official notice of handshaking verification systems, it is respectfully submitted that there are no systems or methods as described above wherein, among other things, verification numbers are forwarded such that they may only be received by a user if that user is within a predetermined or predefined geographical area, and then the verification number is

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forwarded back by the user, thereby indicating the location of the user. Accordingly, it is respectfully submitted that all claims in this application are allowable for at least the reasons discussed herein.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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